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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/054,653 Confirmation No.: 9448
First Named Inventor: Bulucea, Constantin Filing Date: 18 January 2002
Group Art Unit: 2814 Examiner: Farahani, D.
Atty. Docket No.: NS-5127 US
Title: Gate-Enhanced Junction Varactor With Gradual Capacitance Variation
Assignee(s): National Semiconductor Corporation

Mountain View, California
9 July, 2004

**LEGAL INSTRUMENTS EXAMINER (LIE)
or CLERK OF GROUP
COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, Virginia 22313-1450**

RESPONSE TO NOTICE OF FEE DEFICIENCY

Sir:

This is in response to the Notice, mailed 1 July 2004, of Fee Deficiency for the above patent application. A copy of the Fee Deficiency Notice is enclosed.

The Fee Deficiency Notice specifies that "The reply (e.g., amendment) has not been entered, since applicant has failed to remit (or authorize charge to Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record" and that "Remittance or authorization is due within the time period set below". The Fee Deficiency Notice further specifies that the fee for a two-month extension of time is \$420. Applicant's Attorney does not understand the reason for this Fee Deficiency Notice.

A Office Action was mailed 12 February 2004 for this Application. A response, without time extension, to the Office Action was due 12 May 2004, i.e., three months after 12 February 2004. A response, with a one-month time extension, to the Office Action was due 12 June 2004.

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An amendment responsive to the 12 February 2004 Office Action was placed in a package and delivered to the United States Postal Service ("USPS") on 12 June 2004 for transmission to the U.S. Patent and Trademark Office ("USPTO") by Express Mail under Express Mail Label No. EV 337115897 US. The package sent to the USPTO under Express Mail Label No. EV 337115897 US further included: (a) a petition, copy enclosed as Exh. A, by which a one-month time extension for responding to the Office Action was requested; (b) a transmittal letter, copy enclosed as Exh. B, by which the USPTO was authorized to charge \$110 to Deposit Account 502641 for the one-month time extension; and (c) an acknowledgement postcard. Applicant's Attorney has not yet received the acknowledgement postcard back from the USPTO.

Enclosed as Exh. C is a copy of Express Mail Label No. EV 337115897 US utilized for transmitting the foregoing amendment, petition, transmittal letter, and acknowledgement postcard to the USPTO. As shown by the 12 June 2004 "Date In" entry on Express Mail Label No. EV 337115897 US, the package containing the amendment, petition, transmittal letter, and acknowledgement postcard was indeed delivered to the USPS on 12 June 2004. As shown by the addressee information on Express Mail Label No. EV 337115897 US, the package was to be delivered to the USPTO. The foregoing 12 June 2004 deposit date with the USPS and requested delivery to the USPTO are confirmed by the USPS Track and Confirm document, copy enclosed as Exh. D, for the package transmitted to the Patent Office, i.e., USPTO, under Express Mail Label No. EV 337115897 US.

Under the provisions of 37 CFR 1.10, the amendment, petition, and transmittal letter are to be accorded 12 June 2004 as the date on which those documents were filed with the USPTO. Since a one-month time extension was requested and since 12 June 2004 was the last day of the one-month time extension, the Fee Deficiency Notice seems unwarranted and should be withdrawn.

Applicant's Attorney further notes that the transmittal letter included a Conditional Petition for Extension of Time which authorized the Commissioner of Patents and Trademarks to deduct the necessary fee for any (additional) extension of time to Deposit Account 502641 if such an (additional) extension was required, i.e., needed to maintain the application in a pending status. Hence, even if the USPTO decides not to withdraw this Fee Deficiency Notice, the present application continues to remain pending up to

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12 August 2004, the date on which the full six-month statutory period for responding to the Office Action expires.

Please telephone Applicant's Attorney at 650-964-9767 if there are any questions.

Respectfully submitted,



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